

Appl. No. 10/694,601

Amdt. dated 11/25/05

Reply to Office action of July 28, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-10 are now in the application and are subject to examination. Claims 9 and 10 have been added. No claims have been amended, canceled or withdrawn from examination.

In "Claim Rejections - 35 USC § 102", item 3 on pages 2-3 of the above-identified Office Action, claims 1-8 have been rejected as being fully anticipated by U.S. Patent No. 6,293,470 to Asplund under 35 U.S.C. § 102(e).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references. However, new claims 9 and 10 have been added.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a chip card module for insertion into a card body, the chip card module comprising:

a chip card keypad;

at least one additional component; and

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an intermediate carrier forming a functional component of said keypad and serving as a carrier for said additional component;

said keypad being accessible from outside of said module and from outside of the card body.

Independent claim 5 calls for, *inter alia*, a chip card, comprising a card body, and a chip card module inserted into said card body. The chip card module of claim 5 includes features similar to those recited for the chip card module of claim 1.

The Asplund reference does not disclose a card body.

The Asplund reference discloses a smart card and a method for manufacturing the smart card, wherein a top layer 3 and a bottom layer 15 are assembled to form the smart card. The top layer 3 has a display 5 with ITO columns 7, circuit tracks 9 and buttons 37. The bottom layer 15 has a cavity 21 with ITO rows 29, conductive tracks 27, main circuitry 13, smart card contacts 43 and contact pads 41 which are areas of the main circuitry 13 that are disposed below the buttons 37 upon assembly of the layers 3, 15.

It must be understood that neither the smart card as a whole, nor the layer 3, nor the layer 15, is a card body, because

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both layers 3 and 15 contain components or circuit elements, such as 9, 37, 13 and 41. A card body is understood in the context of the instant application to be a body in which a module is inserted. Only the module contains the circuit elements or components.

Although this is clear from claims 1 and 5 when read in the context of the Specification and the drawings of the instant application, claims 9 and 10 have been added to recite the fact that the card body contains no components. It can be seen from the figure of the instant application that the card body 1 has no components, but rather the module contains the keypad 3, the additional component 7, the intermediate carrier 2, the conductor track structure 4, the switching sheet 3 and the covering layer 5.

It is noted that Applicant is his own lexicographer, as defined by case law, and that according to the disclosure of the instant application, the module containing the components is inserted into the card body which contains no components. In this context, it can be seen that the Asplund device is totally different from that claimed in the instant application.

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More specifically, Asplund describes a flat smart card, which fulfills the requirements of the ISO standard, with a display and two keys. In order to produce this smart card, the flat top layer 3 and the flat bottom layer 15 are mounted one atop the other. An upper side of the top layer forms an upper side of the completely mounted smart card, and a bottom side of the bottom layer forms a bottom side of the smart card.

The conductor runs 13 as well as the contact points 41 for contacting two browse buttons 37 are provided on the bottom layer. Furthermore, components 45, a battery 11 and an LDC element 23 can be mounted on the bottom layer.

Once again, it bears noting that the top layer includes two browse buttons 37 as well as a display 7, which is inserted into the top layer in such a way that it is accessible from the outside.

By mounting the top and bottom layers, the browse buttons 37 are positioned on the contact points 41 in such a way that the buttons are operable. Besides that, the functionality of the smart card is obtained only through the mounting of the top and bottom layers, since then the display is contacted with the LCD element and the conductor runs.

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Contrary to the smart card described in Asplund, the invention of the instant application pertains to a chip or smart card module and a chip or smart card with the chip or smart card module.

A chip or smart card module is distinguished by having circuit elements or components in order to provide the functionality of the chip or smart card and by being suitable for insertion into a card body. This is recited in claim 1 of the instant application by the wording "for insertion into a card body". This is also recited in claim 5 by calling for "a chip card module inserted into said card body." The card body usually neither has circuit elements or components nor electrical functionality. Claims 9 and 10 make this even clearer.

The chip or smart card module according to the invention of the instant application has a keypad and at least one additional component. An intermediate carrier forms a functional component of the keypad and serves as a carrier for the additional component. The keypad is accessible from the outside of the module as well as from the outside of the card body.

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The module according to the invention is basically different structurally from the device disclosed in Asplund. An basic difference is that there is no chip or smart card module provided in Asplund, in particular no chip or smart card module for insertion into a card body. The circuit elements of the smart card of Asplund are mounted in the top layer and the bottom layer and are assembled during mounting of the card bodies. A card body without circuit elements is not provided. See new claims 9 and 10 as well. In no case is a smart card module for insertion into a card body provided in Asplund.

Besides the fact that the entire device of Asplund does not provide a chip card module for insertion into a card body nor a chip card having a card body and a module inserted into the card body, the individual top and bottom layers of Asplund also do not provide such a chip card module or chip card, as will be explained below.

Even when comparing the bottom layer in Asplund with the smart card module of the present invention, structural differences become clear. Apart from the fact that the bottom layer is not a smart card module, the bottom layer does not have a functional key, but solely contact points for the key buttons. Thus, the bottom layer cannot have a key

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and form a functional part of the key, since the key is not provided in its entirety on the bottom layer. It is only by mounting the top and bottom layers that the key is formed. This can still be seen after the mounting since the key buttons 37 are inherently connected with the upper side of the card so that no functional keys could have been provided on the bottom layer.

Furthermore, the bottom layer is not an intermediate layer, which is to be mounted between a top and a bottom layer, but instead it is a bottom layer, onto the upper side of which a top layer is mounted. In no case is the mounting of a bottom layer between two further layers provided. Rather, the bottom side of the bottom layer forms the bottom side of the card.

Besides the fact that no key is provided on the bottom layer, as a consequence of which the key is not accessible from the outside, all elements mounted on the bottom side are covered by the top layer after mounting so that no elements accessible from the outside of the bottom layer as well as the outside of the card are provided on the bottom layer.

Even the top layer 3, which is described in Asplund, is in no case to be compared with the smart card module according to

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the invention. No functional key is provided in the top layer but solely a key button. Furthermore, the top layer does not serve as a carrier for further components.

The above arguments also apply to the chip card with a chip card module according to the invention, which is recited in claims 5 and 10, in particular.

Therefore, the subject matter recited in independent claims 1 and 5 and dependent claims 9 and 10 of the instant application is without doubt novel over Asplund. Due to the great structural differences between the present invention and Asplund, which does not even provide for the insertion of a smart card module with an intermediate layer into a card body, the subject matter according to the invention is also not obvious over the Asplund reference.

Clearly, Asplund does not show a chip card module for insertion into a card body nor a chip card having a card body and a module inserted into the card body as recited in claims 1 and 5, nor a card body containing no components as recited in claims 9 and 10, of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either



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show or suggest the features of claims 1, 5, 9 or 10. Claims 1, 5, 9 and 10 are, therefore, believed to be patentable over the art. The remaining dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 5.

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. It is believed that due to the fact that undersigned Counsel's office lost electric power from October 24 to October 30, 2005 and the local Post Office was closed, all due to Hurricane Wilma, the extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$120.00 in accordance with Section 1.17 should be waived. Please see the Patent Office Notice entitled United States Postal Service Interruption and Emergency under 35 USC 21(a), dated November 2, 2005 on the USPTO website.